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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,887	08/25/2003	Shinichi Nishimura	03500.017495.	1248

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EXAMINER

MAYO III, WILLIAM H

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/646,887

Applicant(s)

NISHIMURA, SHINICHI

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on May 17, 2004. These drawings are not approved because Figures 1-2, 6-7, 9-10 lack the proper cross-hatching which indicates the type of materials, which may be in an invention. Specifically, the cross hatching to indicate the conductive and insulative materials is improper. The applicant should refer to MPEP Section 608.02 for the proper cross-hatching of materials. Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 & 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Inui (Pat Num 6,674,010). Inui discloses a shielded cable (Figs 1-2) that can transmit data between electronic devices without generating noise and that can be easily handled (Col 2, lines 10-13). With respect to claim 1, Inui discloses that the shielded cable (201)

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comprising: first signal wires (301) for transmitting digital signals of a relatively high frequency (Col 8, lines 24-32); a second signal wires (304) for transmitting digital signals of a relatively low frequency (Col 8, lines 24-32); and an outer shield (305) with which said first and second signal wires (301 and 304, respectively) are collectively covered (Col 9, lines 55-62), wherein each of the first and second signal wires (301 & 304 respectively) are bundled in a state of being electrically insulated from each other with an insulating sheath (not shown, Col 8, lines 24-32), and wherein said first signal wires (301) are placed adjacent to said outer shield (305) and adjacent to one another (Fig 2, see outside set of 302). With respect to claim 4, Inui discloses that the shielded cable (201) further comprising connectors (220 & 230) for connection at its opposite ends (Fig 1), wherein each of said connectors (220 & 230) having connector pins (Col 7, lines 59-67) being connected to said first and second signal wires (301 & 304), wherein said first signal wires (301 & 304) being connected to particular ones of the connector pins which are adjacent one to another (Col 7, lines 59-67).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inui (Pat Num 6,674,010) in view of Applicant's Own Admission of Prior Art (herein referred

to as AOAPA). Inui discloses a shielded cable (Figs 1-2) that can transmit data between electronic devices without generating noise and that can be easily handled (Col 2, lines 10-13) as disclosed with respect to claim 1 above. Specifically, with respect to claim 3, Inui discloses that the electrical cable (200) has a clock signal wire (303) which discloses a clock signal, wherein the plurality of data signals (301) synchronized with the clock signals are transmitted through the first signal wire (301, Col 8, lines 58-65).

However, Inui doesn't necessarily disclose the signal wires being twisted pairs (claim 2), nor the clock signal is of 10 MHz or higher (claim 3).

AOAPA teaches a well-known cable (Fig 9) capable of improving the signal quality while suppressing the radiant noises (Page 2, lines 1-3). Specifically, with respect to claim 2, AOAPA discloses a shielded cable (Fig 9) having a plurality of data signals (A, B, C, D, E, F, & G) for transmitting high frequency signals (Page 2, lines 20-23), a plurality of data signals (H, I, J, K, L, M, and N) for transmitting low frequency signals (Page 2, lines 23-25), which are twisted pairs of data signal conductors (A+, A-, B+, B-, ...etc, Page 2, lines 20-25). With respect to claim 3, AOAPA discloses a shielded cable (Fig 9) having a plurality of data signals (A, B, C, D, E, F, & G) for transmitting high frequency signals (Page 2, lines 20-23), at a frequency of 10Mhz or greater (Col 2, lines 20-23).

With respect to claims 2-3, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the electrical cable of Inui to comprise the twisted paired conductor configuration as taught by AOAPA

because AOAPA teaches that such a configuration is well known in the art of cables for improving the signal quality while suppressing the radiant noises (Page 2, lines 1-3) and since it appears that Inue would perform equally well with the modification.

### ***Response to Arguments***

6. Applicant's arguments filed May 17, 2004 have been fully considered but they are not persuasive. Specifically, the applicant argues the following:

- A) Inui discloses that the high speed high-speed signal lines 301 are not arranged in the manner recited in the claims but rather the high-speed signal lines are interspersed throughout the cable and not placed adjacent to one another because the signal lines are placed adjacent to ground lines 305 and therefore the rejection under 35 USC 102(e) is improper.

With respect to argument A, the examiner respectfully traverses. Firstly, it must be stated that the examiner is required to give the claims the broadest reasonable interpretation. Specifically, MPEP 2111 states:

During patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).< Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Secondly, Riverside Webster's II (New College Dictionary) defines adjacent as being close to or nearby.

While it appears that the applicant is trying to argue that the first signal wires are in contact with the outer shield and each other, the claim doesn't specifically recite that by utilizing the relative term "adjacent" and while the claims are read in light of the specification, it would be improper for the examiner to read additional claim limitations into the claim. Specifically, it is noted that the features upon which applicant relies (i.e., the first signal wires being in contact with the shield and each other) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The courts have been consistent that the relative term "adjacent" doesn't require absolute contact, but requires relatively close position (Ex parte Hadsel (PO BdApp) 109 USPQ 509). Specifically, the term "adjacent" is broader than side by side (Ex parte Appeldorn & Gilkeson (PO BdApp) 159 USPQ 791).

Given the above guidelines, the broadest definition as defined by Riverside Webster's II (New College Dictionary) and the first signal wires (301) being placed adjacent to (i.e. being close to or nearby) said outer shield (305) and adjacent to (i.e. being close to or nearby) one another (Fig 2, see outside set of 302). It should also be noted that while Inui clearly discloses some first signal wires being dispersed throughout the cable, the applicant has not stated that all of the first signal wires must be adjacent

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to the shield and each other, and secondly, whether there may be two sets of first signal wires, which Inui clearly illustrates.

In light of all the above comments, the examiner respectfully submits that the 35 USC 102(e) rejection of claims 1 & 4, is proper and just. If the applicant intends to claim the first signal wires being adjacent and in contact with the shield and each other, then he/she should recite those limitations in the claim.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.




***Communication***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
WHM III  
July 7, 2004

William H. Mayo III  
Primary Examiner  
Art Unit 2831